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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|-----------------------|------------------|
| 10/656,872 | 09/05/2003 | David K. Platner | 60,130-1720/03MRA0168 | 8096 |
| 26096 | 7590 | 04/19/2005 | EXAMINER | |
| CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009 | | | WILLIAMS, THOMAS J | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3683 | |

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/656,872 | PLATNER ET AL. | |
| | Examiner | Art Unit | |
| | Thomas J. Williams | 3683 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,8-16,24,25,30 and 31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24 and 25 is/are allowed.
- 6) ☒ Claim(s) 1,3-6,8-13,15,16,30 and 31 is/are rejected.
- 7) ☒ Claim(s) 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Acknowledgment is made in the receipt of the amendment filed March 22, 2005. The amendment has been approved for entry.
2. The final rejection mailed November 26, 2004 is hereby withdrawn in light of the newly discovered art.

Drawings

3. The drawings were received on March 22, 2005. These drawings are approved.

Claim Objections

4. Claim 15 is objected to because of the following informalities: the first instance of the phrase "said" in line 2 should be cancelled. Appropriate correction is required.

Double Patenting

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 1-6, 8-11, 16, 30 and 31 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3 and 7 of copending Application No. 10/656,841. Although the conflicting claims are not identical, they are not patentably distinct from each other because the recitations in claims 1, 3 and 4 for the

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mount segment including the tapering section and cross-section of the instant claim is obvious in light of claims 1-3 of 10/656,841.

Re-claims 1, 3, and 4, the mount section of application 10/656,841 claims a mounting segment intermediate the forward and rearward segments of the leaf spring, defining a transition zone. The transition zone of application '841 would have the recited limitations of the instant application since it is located intermediate the front and rear segments transitioning between the greater depth/thinner width of the forward segment to the thinner depth/greater width of the rearward segment.

Re-claims 5, 6, 30 and 31 application '841 claims an arcuate member at a forward segment of the leaf spring. The arcuate segment of '841 would include a hook or bend of at least 90 degrees.

Re-claims 8-11 and 16, application '841 claims an arcuate member at a forward segment of the leaf spring. However, application '841 fails to claim the means of connecting the forward segment with the vehicle, thus forming the suspension system. The examiner takes official notice that the use of retaining pins and C-brackets for connecting a leaf spring to a vehicle thus forming a suspension system is known in the art, see previously cited references. It would have been obvious to one of ordinary skill in the art to have simply utilized a retaining pin and C-brackets when having connected the forward segment of the leaf spring in application '841, thus providing an easy method of assembly for the suspension system.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

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7. Claims 12, 13 and 15 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 7 of copending Application No. 10/656,841 in view of US 5,542,652 to Stuart. Application '841 claims an arcuate segment on a forward segment. However, application '841 fails to claim a bumper engaged with an outer arc of the arcuate segment or on an inner arc of the arcuate segment. Stuart teaches a leaf spring having an arcuate segment engaging a bumper element and having a resilient tube on an inner arc of the arcuate segment. The bumper will deform to provide an arcuate surface engaging the arcuate segment. It would have been obvious to one of ordinary skill in the art to have provided the leaf spring of application '841 with a bumper adjacent the outer arc of the arcuate segment and adjacent the inner arc of the arcuate segment as taught by Stuart, thus reducing the development of noise at the arcuate segment.

This is a provisional obviousness-type double patenting rejection.

Allowable Subject Matter

8. Claims 24 and 25 are allowed.

9. Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas Williams whose telephone number is 571-272-7128. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4:00 PM. The examiner can also be reached on alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Bucci, can be reached at 571-272-7099. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

TJW

April 14, 2005

THOMAS WILLIAMS
AU 3683

Thomas Williams

AU 3683

4-14-05